

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS HOLDINGS INC., *et al.*,

Debtors.

Chapter 11 Case No.

08-13555 (SCC)

(Jointly Administered)

Lehman Brothers Holdings Inc., as Plan
Administrator, and Lehman Brothers Special
Financing Inc.,

Plaintiffs,

v.

Wellmont Health System,

Defendant.

Adv. Proc. No. 13-01719 (SCC)

STIPULATION AND AGREED ORDER
ALLOWING DEFENDANT ADDITIONAL TIME TO RESPOND TO COMPLAINT

WHEREAS, on November 26, 2013, Plaintiffs Lehman Brothers Holdings Inc. (“LBHI”), as Plan Administrator under the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors, and Lehman Brothers Special Financing Inc. (“LBSF”) filed a complaint (the “Complaint”) commencing this adversary proceeding (the “Adversary Proceeding”) against defendant Wellmont Health System (the “Defendant” and collectively with LBHI and LBSF, the “Parties”);

WHEREAS, on or about November 26, 2013, the undersigned counsel to the Defendant agreed to accept service of the Summons (defined below) and Complaint via email on the Defendant’s behalf;

WHEREAS, on November 26, 2013, the Plaintiffs delivered via email to counsel to the Defendant a copy of the Complaint;

WHEREAS, on December 3, 2013, the Court issued a summons (the “Summons”) directing the Defendant to respond to the Complaint within 30 days;

WHEREAS, on December 3, 2013, the Plaintiffs delivered via email to counsel to the Defendant a copy of the Summons and the Complaint;

WHEREAS, on December 6, 2013, the Plaintiffs and the Defendant entered into a stipulation (the “December Stipulation”) that, among other things, (i) provided for the amendment of the case caption to “Lehman Brothers Holdings Inc., as Plan Administrator, and Lehman Brothers Special Financing Inc., Plaintiffs, v. Wellmont Health System, Defendant”; (ii) agreed that the service of both the Summons and Complaint by the Plaintiffs on the Defendant had been completed in accordance with Federal Rule of Bankruptcy Procedure 7004 and Federal Rule of Civil Procedure 4; and (iii) provided that (a) the Defendant would file and serve a response to the Complaint on or before February 10, 2014, and (b) if the Defendant filed a motion (a “Motion to Dismiss”) under Federal Rule of Civil Procedure 12(b), made applicable in the Adversary Proceeding by Federal Rule of Bankruptcy Procedure 7012(b), in response to the Complaint, the Parties would use their best efforts to agree upon a briefing schedule for the Motion to Dismiss;

WHEREAS, on December 9, 2013, the Honorable James M. Peck of the United States Bankruptcy Court for the Southern District of New York entered and ordered the December Stipulation;

WHEREAS, on February 5, 2014, Defendant’s counsel informed Plaintiffs’ counsel that the Defendant intends to file a Motion to Dismiss and a motion to withdraw the

reference in the Adversary Proceeding (the “Motion to Withdraw the Reference”) to the United States District Court for the Southern District of New York (the “District Court”);

WHEREAS, Defendant’s counsel has now agreed with Plaintiffs’ counsel to proceed initially with the Motion to Withdraw the Reference, with Defendant reserving all its rights and defenses that could be presented in its Motion to Dismiss or other initial pleading responsive to the Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel, subject to the approval of the Court, that:

1. The Defendant will file the Motion to Withdraw the Reference on or before Thursday, February 20, 2014.
2. The Defendant will file and serve a response to the Complaint fourteen (14) days after the District Court issues a ruling on the Motion to Withdraw the Reference.
3. If the Defendant files a Motion to Dismiss in response to the Complaint, the Plaintiff will have forty-five (45) days from the date on which the Defendant serves the Motion to Dismiss to respond (the “Response”) to the Motion to Dismiss. The Defendant will then have seven (7) days from the date on which the Plaintiffs serve the Response to the Motion to Dismiss to file any reply thereto.

Dated: Birmingham, AL
February 7, 2014

Dated: Washington, DC
February 7, 2014

/s/ Stewart M. Cox
J. Patrick Darby
Stewart M. Cox
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*Counsel to Defendant Wellmont Health
System*

*Counsel to Plaintiffs Lehman Brothers Special
Financing Inc. and Lehman Brothers Holdings Inc.*

IT IS SO-ORDERED:

February 11, 2014
New York, New York

/s/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE